BURNS AND LEHON ARE SUMMONED ON CONTEMPT CHARGE

Detectives Must Explain Why They Sent Annie Maud Car-

ter, Frank Case Witness, Out of Court's Jurisdiction

MOTION TO SET ASIDE VERDICT IS POSTPONED

Hearing Will Be Taken Up Next Saturday – Judge Closely

Questions Negress About Who Furnished Money

Judge Ben H. Hill, of the criminal division of superior court, Saturday morning cited William J. Burns and Dan S. Lehon to appear before him next Tuesday to answer a charge of contempt of court for sending Annie Maud Carter, negro witness in the Frank case, out of the state. The action was taken after hearing the woman's testimony.

Judge Hill also ordered a postponement of the hearing of the motion set aside the verdict in the Frank case on the ground that Frank was not in court, until next Saturday morning. This is the motion brought by Attorneys Tye, Peoples and others, and it will be heard by Judge Hill in the library of the state capitol.

Judge Hill was in his chambers on the fourth floor of the Thrower building by 9:30 o'clock Saturday morning. Promptly at 10 o'clock, Attorneys Tye and Peeples appeared, and the Judge announced to them that Solicitor Hugh M. Dorsey had been unable to prepare the case, and that he had decided to postpone the matter until Saturday of next week.

Mr. Tye then asked the solicitor if he was certain to be ready by next Saturday.

WILL DO HIS BEST.

"I can only say that I will do my best," responded the solicitor, "and that I will work constantly on the motion, beginning Monday morning."

"Will you raise an issue of fact?" asked Mr. Tye.

“I can’t say now,” answered Mr. Dorsey, “for to be perfectly frank with you I haven’t read your motion.”

Judge Hill then stated that he desired to finish the hearing before taking up the regular criminal docket Monday week, and the discussion ended.

Although the hearing of Annie Maud Carter’s statement was slated for 11 o’clock, Judge Hill stated he would like to get through with it, and, accordingly, a deputy sheriff was dispatched to the Tower for the woman, while another notified the attorneys for the defense of Frank.

At 10:30 o’clock, the woman was brought into the court room and by that time quite a crowd had collected.

Judge Hill took the bench and said: “The report in this morning’s Constitution that this is to be an inquisition is exaggerated. I simply desire to ascertain from this woman, who sent her out of the jurisdiction of the court. I don’t propose to ask her, or allow her to be asked, about her original testimony.”

TWO ATTORNEYS PRESENT.

Then came the interesting development that two attorneys were in the court to represent the woman.

Attorney George Gordon, who figured as counsel for Mineola and Albert McKnight, addressed the court:

“Representing this woman, I would like to ask the nature of this proceeding. Is it a contempt proceeding or in the nature of an interrogation about her testimony?”

“I haven stated the nature of the proceeding,” returned the court.

“I wish to object to any statement which will incriminate the woman,” said Mr. Gordon.

“I will not ask, or permit to be asked, any questions which would incriminate or tend to incriminate her.”

Attorney Tillou Von Nunes, who was seated by Solicitor Dorsey then addressed the court saying:

“I have been employed in this case in good faith and I would like to ask the court to ascertain from the witness which one of us is her attorney.”

“That is not a matter for the court,” said Judge Hill and then he spoke to

(Continued on Last Page, Column 3.)

PDF PAGE 12, COLUMN 3

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(Continued from Page One.)

the Negress, who had taken the witness stand.

“You have made an affidavit in the Frank case?”

“I suppose it was.”

“How came you to leave the city after making the affidavit?”

“Mr. Burns told me to go.”

“Mr. Burns, the detective?”

“Mr. William J. Burns.”

“Did he give you the money on which you left?”

“No, he had one of his operators, I guess that’s what you call them, go with me. I went from Atlanta to Union City and from there to Montgomery, Ala.”

“Who was this man?”

“Dr. White is the name he went under. I don’t know his real name.”

“How far did he go with you?”

“He only went as far as New Orleans.”

“Did he give you any money?”

“Not into my hands.”

DETECTIVES SUGGESTED IT.

“After you made the affidavit, who first suggested that you leave?”

“Mr. Burns and Mr. Lehon suggested that I leave.”

“Why?”

“They said that I had better go where I would not come in contact with the city detectives, who would want me to make different statements.”

“Had you turned over the letters to them then?”

“I didn’t see the letters until I got to New Orleans.”

“Who brought you back from there?”

“A colored operator. He took me from New Orleans to Montgomery and from there we went to Chicago and then came back here. When I started, we went to union City in an

automobile. Dr. White and Mr. Lehon both with me in the automobile. I took the train with Dr. White then."

"Who put up the money?"

"Well, when they said for me to go, I said I would like to take a trip, but didn't know about where I would get the money to go and come back on. Then Mr. Lehon said it was understood that the expenses would be stood by him."

HAD $5 to SPEND.

"In New Orleans, who paid your board?"

"I went into the family of Eddie Collins, the colored operater and I guess he paid the board?"

"I went into the family of Eddie Collins, the colored operator and I guess he paid the board."

"Didn't you have any money?"

"I was given five dollars to spend."

"Pocket money?"

"Yes."

"How did you happen to come back?"

"I wanted to come back just as soon as I saw in the paper that you wanted me to, and Mr. Lehon sent a message saying for me to come."

Judge Hill then turned to counsel for defense, Attorney Luther Z. Rosser, Reuben R. Arnold and Leonard Haas being present, and asked if they had any question.

Mr. Arnold replied that he had none, and the court turned to the solicitor.

"I would like to ask," said Mr. Dorsey, "this woman to tell us which one of these gentlemen is her attorney?"

SELECTS VON NUNES.

“I have had Mr. Von Nunes all of the time, and he is my lawyer,” the woman said.

“Did Mr. Gordon and Mr. Lehon come to see you in the jail yesterday?”

“Yes.”

“Who did you see in Montgomery besides the Burns people—what lawyer?”

“I saw Mr. Haas.”

“What Haas, Mr. Herbert J. Haas?”

“I don’t know.”

“Does his hair stand back this way?” asked Dorsey, making a pompadour effect.

“Yes.”

(Attorney Leonard Haas stated after the hearing the man the woman saw in Montgomery was not Herbert, but Albert Haas.)

“Did this Mr. Haas give you any money?” asked the solicitor.

“No.”

Mr. Dorsey said he had no further questions, and Judge Hill said: “Draw a rule nisi, Mr. Solicitor, ordering William J. Burns and Dan S. Lehon to appear before me next Tuesday morning to show cause why they are not in contempt of court.”

The hearing then adjourned, and Judge Hill asked the attorneys for the defense of Frank if they were ready with the papers in the appeal of the extraordinary motion for a new trial.

CERTIFIES TO RECORD.

Neither the bill of exceptions nor the brief had been prepared, but the attorneys said they would like for the court to certify to the rounds of the motion.

The papers were produced and Judge Hill certified that the records of fact set out in each ground of the motion and in each amendment is correct. It was agreed that the Ragsdale amendment, stricken by the defense, will not go to the supreme court.

Mr. Arnold declared it will take a large force of stenographers to get the bill of exceptions and the brief of the evidence ready within the twenty days allowed by law for filing the papers with the supreme court.

In an informal discussion, the motion to set aside was mentioned and Attorney Arnold stated that he and Mr. Rosser would have nothing to do with that except possibly to appear as witnesses.

Judge Hill stated he would probably hear oral testimony on the motion.

Attorney Von Nunes, discussing Annie Maud Carter's testimony, stated to a Journal reporter before the hearing that the woman has told him Conley told her many and varied stories about the murder case.

The woman does not deny that in one story Conley said he killed the girl, but does say that after he had made the statement, she said to him; "Jim, you know you are lying; Mr. Frank killed the girl" and Conley laughed, saying: "Take it as you please."